

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEFFREY BAYER,  
Plaintiff,

v.

CITY AND COUNTY OF SAN  
FRANCISCO,  
Defendant.

Case No. [22-cv-07440-AMO](#)

**ORDER RE MOTION TO DISMISS  
AND STRIKE**

Re: Dkt. No. 61

Before the Court is the City and County of San Francisco's motion to dismiss and strike portions of pro se Plaintiff Jeffrey Bayer's second amended complaint. ECF 61.

The Court GRANTS the motion to dismiss because the operative complaint fails to cure the deficiencies explained in the Court's two prior orders and fails to state a plausible claim for relief under federal law. *See* ECF 21, ECF 39. Accordingly, Bayer's claim under 42 U.S.C. § 1983 is DISMISSED WITH PREJUDICE.

Because the dismissal of Bayer's Section 1983 claim disposes of "all claims over which [the Court] has original jurisdiction," *see* 28 U.S.C. § 1367(c)(3), the Court declines supplemental jurisdiction over the remaining state law claim. Accordingly, the Court dismisses Bayer's state law negligence claim WITHOUT PREJUDICE.

The Court DENIES AS MOOT the City's the motion to strike. To the extent Bayer's second amended complaint can be construed as asserting additional causes of action for which he did not first seek leave of Court as required by prior orders, *see* ECF 21, 39, those claims would nonetheless be subject to dismissal as set forth above.

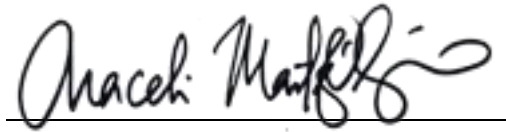
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The Clerk shall close the file in this matter and terminate all pending motions.

**IT IS SO ORDERED.**

Dated: March 7, 2024



**ARACELI MARTÍNEZ-OLGUÍN**  
**United States District Judge**